

### REMARKS

Favorable reconsideration by the Examiner and allowance of all claims as now presented are respectfully solicited in light of the above amendments and the accompanying remarks.

The allowance of Claims 1-16, 19, 21 and 22, directed to the method, is noted with appreciation.

Applicants' attorney acknowledges with appreciation the constructive suggestions made by the Examiner during the telephone interview on August 4, 2003. By this response, independent product Claim 17 has been amended to more positively recite the structural aspects of the product which distinguish it from the cited prior art. Additionally, several new claims are presented directed to additional aspects of the product which distinguish it from the prior art. The new and amended claims are fully supported by the specification as originally filed, and no new matter is presented.

Favorably reconsideration by the Examiner is respectfully requested.

As has been recognized by the Examiner in allowing the method claims, the present invention provides a novel method of making a molded cheese or non-frozen milk product. Through this novel method, it is possible to produce cheese or non-frozen milk products in a new physical form that has never been heretofore provided. The food product is molded into a predetermined three-dimensional shape and the product is capable of being stored and shipped in this unique new physical form.

As now defined in Claim 17 as amended, the molded food product includes a core formed of creamy or crumbly soft cheese or non-frozen milk product and the core is molded into a predetermined three-dimensional shape. A coating surrounds this core and imparts mechanical strength and/or nonstick properties to the molded food product. Applicant submits that Claim 17, and the claims dependent therefrom, clearly distinguish the invention over the cited prior art. Accordingly, reconsideration by the Examiner, withdrawal of the rejection and notification of the allowability of the product claims as submitted herewith are requested.

Referring more specifically to the prior art, the Winton reference simply describes the conventional composition of cheese and milk products. However, this reference does not teach or suggest a molded food product of the structure defined in the claims.

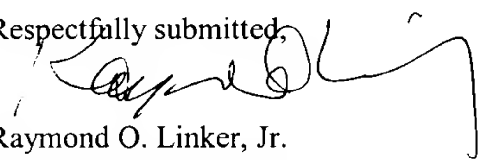
The Burt reference discloses frozen confections, such as popsicles, and discloses that these products can have a coating. However, there is no disclosure or suggestion of molded creamy or crumbly cheese products or of a non-frozen milk product. Clearly, the Burt products are maintained in a frozen state rather than a non-frozen state

Nothing in the Winton and Burt references would provide a motivation for persons skilled in the art to produce a molded product formed from cheese or non-frozen milk products. The only discernable basis for combining these two references is a reliance upon Applicants' own disclosure, which of course is improper.

For the reasons noted, the product claims under consideration clearly and patentably distinguish over the cited prior art. Accordingly, favorable reconsideration by the Examiner and notification of the allowability of these claims is respectfully solicited.

In view of the foregoing comments and amendments, it is submitted that all of the claims of record are now in condition for immediate allowance. Reconsideration by the Examiner and formal notification of the allowance of all claims are earnestly solicited.

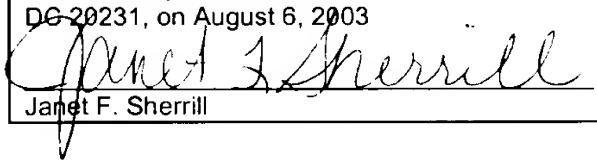
Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on August 6, 2003

  
Janet F. Sherrill